IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 14839 of 1999

Between:

M.C.Pulla Reddy, S/o Sanjeeva Reddy,
R/o Kavetisamudram, Tadpatri Mandal,
Ananthapur District.

..... PETITIONER

AND

1 The Chief Engineer, Cuddapah zone, A.P.TRANSCO,
Vidyuth Bhavan, Cuddapah.
2 The Superintending Engineer (Assessments), A.P.TRANSCO,
Vidyuth Bhavan, Cuddapah.
3 The Assistant Divisional Engineer (Operations), A.P.TRANSCO,
DPE-II, Kurnool.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the order of the 1st respondents passed in Lr.No.CE/CZ/CDP/C&P/221/A.100/99-ATP/D.No.533/99 dt 30.4.1999 confirming the order of the 2nd respondent passed in SE/A/CDP/FAO /D.TRY/F.3/98-99/D.No. 604/98 dt 30.11.1998 as illegal arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents : Mr. N.Subba Reddy, Senior Counsel for SMT.M.VINOBHA DEVI, Standing Ciounsel for AP Transco.

The Court made the following :

O R D E R :

Heard the learned counsel for the petitioner and Sri N.Subba Reddy, learned senior counsel for Smt. M.Vinobha Devi, learned standing counsel appearing on behalf of the respondents.

The petitioner, who is doing stone business, filed this Writ Petition, *inter alia*, seeking to assail the impugned proceedings dated 30.11.1998 of the second respondent as confirmed by the proceedings of the first respondent dated 30.04.1999, assessing the amount towards pilferage alleged to have been conducted by the petitioner.

The facts, in brief, are that in the inspection conducted on 08.10.1998, it was found that the petitioner has laid separate wires hooked to the over head line situated behind the factory shed and other ends are connected to the fuse units of center cutting machine switch board and the meter is totally bypassed and other loads are connected through the meter. Having regard to such serious irregularities, the authorities, having given notice and considering the objections of the petitioner, assessed the amount at Rs. 7,09,002/-. Subsequently, while making final assessment, the same was drastically reduced to Rs. 2,69,678/-. On appeal, the same was confirmed.

Several contentions are urged on behalf of the petitioner and the same were sought to be rejected on behalf of the respondents. Having regard to the concurrent findings of fact arrived at by both the authorities in regard to pilferage, they can not be gone into by this Court in exercise of powers under Article 226 of the Constitution of India. Further, the provisional assessment was drastically reduced from Rs. 7,09,002/- to Rs. 2,69,678/-. Having regard to such reduction already availed by the petitioner at the hands of the respondents-authorities and also in view of the serious allegations as found against him, I do not find any justification to interdict the same.

There are no merits in this Writ Petition.

The Writ Petition is, accordingly, dismissed. No costs. The petitioner is permitted to pay the balance due within a period of eight weeks from today.

(B.Prakash Rao, J.)

20.01.2005

DRK

Copy to:

1 The Chief Engineer, Cuddapah zone, A.P.TRANSCO,
Vidyuth Bhavan, Cuddapah.
2 The Superintending Engineer (Assessments), A.P.TRANSCO,
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THE HON'BLE MR JUSTICE B.PRAKASH RAO

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